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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,715	07/29/1999	KAZUHIKO YUKAWA	024060-110	7213
21839	7590	10/19/2005		
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/362,715	<b>Applicant(s)</b> YUKAWA ET AL.	
	<b>Examiner</b> John M. Villecco	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,13-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,18 and 19 is/are allowed.
- 6) ☒ Claim(s) 5,7,9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/4/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Regarding claims 16, 18, and 19, applicant appears to have sufficiently overcome the previous grounds of rejection from the final rejection mailed on January 27, 2005 using the Toyofuku and Togano references.

2. As for claims 5, 7, 9, and 13-15, applicant has provided additional art in the IDS filed on April 11, 2005, which the examiner feels can be applied to the claims. Although they were indicated as being allowable in the previous office action, the examiner now believes that the references brought to their attention in the IDS may be applied against the claims. The examiner apologizes for the delay in prosecution.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizumi (U.S. Patent No. 5,296,970) in view of Yomogizawa et al. (U.S. Patent No. 5,172,151).**

5. Regarding *claim 5*, Morizumi discloses a camera system which drives a lens to a focus with a wide range upon startup so that focusing time can be reduced during image taking. More specifically, Morizumi discloses a taking lens (zoom lens system, 10), and an image-sensing

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device (30). Upon power up of the camera the lens system (10) is moved to a position where the whole range of focal depth can be effectively utilized. This position is interpreted to be a pan-focus position. Morizumi discloses that the AF control circuit (36) moves the lens to this position. This serves as a control circuit. Additionally, Morizumi discloses that this position is optimal because if a close-up image is desired immediately after power up, a lot of focusing time is required and blurring becomes a problem if a quick image capture is desired.

Morizumi, however, fails to specifically disclose a display device for displaying the object or a controller for moving the lens to a pan-focus position before display by the display device is started. Yomogizawa discloses a film camera which uses an electronic viewfinder, wherein the electronic viewfinder display is not activated until a captured image has reached a predetermined exposure quality. More specifically, the camera of Yomogizawa includes a taking lens (3, lens for the LCD viewfinder), an image-sensing device (CCD, 6), a display device (liquid crystal display, 8), and a controller (control circuit, 42). The controller operates such that display of an image is inhibited if proper exposure of the subject has yet to be obtained. When the barrier (18) is opened and the power is turned on, the controller operates to display a properly exposed image. If an image is not properly exposed the switch (41) is opened and display of an image is inhibited. As discussed in column 5, lines 37-43, the liquid crystal display (8) provides no display after the opening of the barrier (18) and until the video signal reaches a proper level. See column 4, line 40 to column 5, line 55. Additionally, Yomogizawa discloses that the lens (3) of the viewfinder is maintained at a pan-focus position during operation (col. 3, line 12). Although used in an electronic viewfinder, one of ordinary skill in the art at the time the invention was made would have found it obvious to inhibit the display of an image in the

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electronic camera of Morizumi until the image has moved to the pan-focus position, so that an image of low quality is not displayed by the viewfinder.

6. **Claim 14** is considered substantively equivalent to claim 5, if not more broad. Please see the discussion of claim 5 on the preceding pages.

7. As for **claim 13**, the combination of Yomogizawa and Morizumi discloses that the display (LCD, 8, of Yomogizawa) receives the image from a taking unit comprising a taking lens (zoom lens system, 10 of Morizumi or viewfinder lens (3) of Yomogizawa) and an image-sensing device (image sensor (30) of Morizumi, or CCD (6) of Yomogizawa). Morizumi discloses that the lens is moved to a focus position where a wide range of focal depth is obtained (see the abstract).

8. **Claims 7, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizumi (U.S. Patent No. 5,296,970) in view of Yomogizawa et al. (U.S. Patent No. 5,172,151) and further in view of Tsuboi (Japanese Publ. No. 07-151952 A).**

9. Regarding **claim 7**, as mentioned above in the discussion of claim 5, the combination of Yomogizawa and Morizumi disclose all of the limitations of the parent claim. However, neither of the aforementioned reference specifically discloses that the controller is configured to drive the taking lens to the focus position after driving of the display device is started. Tsuboi, on the other hand, discloses that it is well known in the art to drive a lens to an initial position after photography. More specifically, Tsuboi discloses that after photography a motor (8) drives the lens units (1 and 3) and lens ring (6) are moved back to the initial position. This feature prevents a lens barrel from being damaged and from being bulky. See the abstract. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to return the lens of Morizumi to the pan focus position after photography so that the lens is not damaged and the camera is made less bulky as taught by the abstract of Tsuboi. Additionally, one of ordinary skill in the art would have been motivated to move the lens of Morizumi back to the pan-focus position after photography so that a subsequent photographing operation can be carried out quickly, since Morizumi teaches that focusing time is reduced from the pan-focus position.

10. As for *claim 9*, Yomogizawa discloses barrier lever (17) which is interpreted to be the operation member that is manually operated to start the driving of the display device. Although, the barrier lever (17) does not directly start the driving of the display device, the barrier lever (17) must still be activated for the display device to begin being driven. Therefore, the barrier lever (17) indirectly causes the display device to be driven.

11. *Claim 15* is considered substantively equivalent to claim 7. Please see the discussion of claim 7 on the preceding pages.

***Allowable Subject Matter***

12. **Claims 16, 18, and 19 are allowed.**

13. The following is an examiner's statement of reasons for allowance:

Regarding *claim 16*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest determining based on a stored state value whether display of an image captured is requested or not when power supply to the camera is started, if the stored state value indicates that display is request, automatically driving a taking lens to a focus position where in-

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focus condition is substantially obtained for distant to close range view, and when the display is requested, after the taking lens has reached the focus position, automatically starting the display of an image taken through the taking lens situated at the focus position.

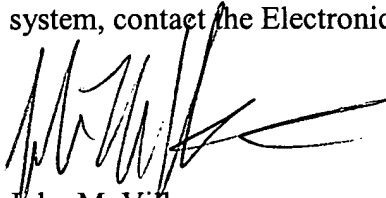
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
October 13, 2005



NGOC-YEN VU  
PRIMARY EXAMINER